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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,195	05/06/2005	John T. Knepler	27726-99477	9974
23644	7590	10/06/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			PATEL, VINOD D	
		ART UNIT		PAPER NUMBER
		3742		
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/534,195	KNEPLER, JOHN T.	
	Examiner	Art Unit	
	Vinod D. Patel	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 May 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/6/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED OFFICE ACTION

1. This application/control number 10/534,195 has been examined. This is the first action on the merits of the claimed invention. The application has claims 1-7 pending.

Specification

2. The disclosure is objected to because of the following informalities:

Page 5, line 6, replace “mechanical switch 24” with “mechanical switch 22” to correct an error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by D'Antonio et al. (US6634279).

D'Antonio et al. discloses the claimed invention including a method and apparatus comprising an electronic thermostat (Figure 2a-2c) for a liquid heating apparatus having a container in which liquid is contained and a heater that is operable by electrical power to heat the liquid, the electronic thermostat comprising: a mechanical switch (54) through which electrical power is applied to the heater to increase a temperature of the liquid from an initial temperature toward a target temperature, and a solid-state switch (SCR/Diode 3 phase rectifying bridge 96) through which electrical power is applied to the heater to maintain the temperature of the liquid at substantially the target temperature.

With respect to claim 3 and 4, D'Antonio et al. (US6634279) discloses the claimed invention including a beverage brewing apparatus, an electronic thermostat for a liquid heating apparatus having a container in which liquid is contained and a heater that is operable by electrical power to heat the liquid, the electronic thermostat comprising: a mechanical switch (54) through which electrical power is applied to the heater (57) to increase a temperature of the liquid from an initial temperature toward a target temperature, and a solid-state switch (SCR/Diode 3 phase rectifying bridge 96) through which electrical power is applied to the heater to maintain the temperature of the liquid at substantially the target temperature. The method steps of claim 4 are inherently performed by the structure of the D'Antonio et al.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The art should be both separately considered and considered in conjunction with the previously cited art when responding to this action. Waithe et al. (US6351603) relates to automatic water heating system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


Vinod Patel Cheryl Tyler
Patent Examiner **CHERYL TYLER**
Art Unit 3742 **SUPERVISORY PATENT EXAMINER**